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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,275	01/16/2002	Gerold Fleissner	865.41078X00	3523
20457	7590	01/06/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			HAUGLAND, SCOTT J	
		ART UNIT		PAPER NUMBER
		3654		

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/046,275	FLEISSNER, GEROLD
	Examiner	Art Unit
	Scott Haugland	3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10/31/03.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-5,7,11-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-5,7,11-13, and 15-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 7, 11-13, 15, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 5, line 6 is confusing since lines 1-2 of claim 5 recites a device for delivering material from a pressing roller pair, rather than the combination of a pressing roller pair and a material delivering device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 7, 11, 12, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meschenmoser in view of Brabant et al.

Meschenmoser discloses a device for delivering a thin, unbonded, nonwoven material from a pressing roller pair 5, 9 to a following adjacent roller 35 encircled by a conveyor 33 for further transport comprising (a) a circulating transport element 13, 15, 17 including a first deflection roller 15 and a permeable endless delivery conveyor 13, (b) a suction device 23 supplying a partial vacuum acting against a non-transporting side of transport element 13, 15, 17, and (c) a following endless conveyor 33 encircling the following adjacent roller 35.

Meschenmoser does not disclose a perforated drum subject to a partial vacuum and located between the pressing roller pair and the adjacent roller.

Brabant et al teaches providing a perforated suction drum 4 to transfer a nonwoven fiber web 1 from a conveying device 2 to an adjacent conveying device 3a, 3b. The drum has an inner cover 6a, 6b provided on a top side of the drum. The lower portion of the drum is subject to a partial vacuum.

The inner cover 6a, 6b extends from

around a line where the nonwoven material first engages the pressing roller pair to the adjacent conveying device 3a, 3b. The perforated drum engages the roller nip of the pressing roller pair such that the nonwoven material partially encircles a lower roller of the pressing roller pair.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Meschenmoser with a perforated

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drum as taught by Brabant et al to transfer the nonwoven material from pressing roller pair 5, 9 to the following endless conveyor 33, 35 in lieu of the transport element 13, 15, 17 of Meschenmoser since Brabant et al teaches an equivalent mechanism for transferring a delicate web between conveyors by suction. It would have been further obvious to provide means to feed nonwoven material to the pressing roller pair that does not pass between the rollers of the pressing roller pair as taught by Brabant et al in lieu of transport belt 7 of Meschenmoser since Brabant et al teaches that delicate nonwoven material may be transferred to pressing rollers without the need for a belt passing through the rollers that may interfere with the pressing and binding of the material thereby eliminating any difficulties associated with separating the belt which has been pressed onto the material.

With regard to claims 3, 4, 7, and 12, the ambient air drawn in through the walls of the perforated drum would inherently cool the nonwoven material and is, therefore, seen to be cooling air. The web transfer devices of Meschenmoser and Brabant et al both draw in ambient air.

With regard to claim 11, it would have been obvious to an ordinary artisan to make the perforated drum rotate counter to lower pressing roller 5

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so that the material is fed along a path similar to that provided by belt 13 of Meschenmoser and drum 4 of Brabant et al.

With regard to claims 15 and 17, the pressing roller pair 5, 9 is a calender roller pair since it provides a compressing treatment to a web in a process for manufacturing the web. Further, with regard to claims 15-18, the transfer device of Meschenmoser is capable of use with calender rollers that do not completely bond the nonwoven material. Additionally, with regard to claims 16 and 17, the web is not fully bonded until it has been dried.

Allowable Subject Matter

Claim 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 10/31/03 have been fully considered but they are not persuasive.

Applicant argues that Meschenmoser has a belt or wet felt 7 that passes between the rollers of the pressing roller pair while the pressing roller pair of Applicant's invention is traversed only by the nonwoven material.

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However, Brabant et al teaches passing only a nonwoven material between pressing rollers. It would have been obvious to an ordinary artisan to support the web of Meschenmoser as taught by Brabant et al to eliminate the need for the transport belt 7 and any interference of the belt in the pressing process.

Applicant further argues that Brabant et al that neither Meschenmoser or Brabant et al suggest that a suction cylinder such as that of Brabant et al can be used to transfer a nonwoven material which passes by itself between a pressing roller pair to a second transfer device.

However, Brabant et al is seen to teach passing a nonwoven material between pressing rollers by itself. The suction drum 4 provides the support for the material that would be provided by the transport belt 7 of Meschenmoser while eliminating additional materials passing through the pressing rollers. The nonwoven material is not supported by transport belt 7 as it leaves the pressing roller pair. A suction conveyor is used which provides the required support for the material. A suction drum such as taught by Brabant et al would have been an obvious equivalent of the suction conveyor of Meschenmoser and would have clearly been capable of supporting the exiting material since Brabant et al teaches that it is capable of supporting the weaker, uncalendered material.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The new grounds of rejection were necessitated by the addition to claim 1 of the steps of passing only the nonwoven material between the pressing roller pair and seizing the nonwoven material by a partial vacuum which acts against a perforated drum and by the addition to claim 5 of the pressing roller pair and the perforated drum. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone

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number is (703) 305-6498. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

sjh
sjh
12/29/03

Kathy Matecki
KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600